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PTO/SB/81 (06-04)  
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|  |  |   |
|--|--|---|
| <b>NOTICE OF APPEAL FROM THE EXAMINER TO<br/>THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>   |  | Docket Number (Optional)<br><b>003797.00622</b> |
| <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 13, 2005.</p> <p><u>Donal Preston</u><br/>Signature:</p> <p>Typed or printed Name: <u>Donal Preston</u></p> <p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <b>\$ 500</b></p> <p> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <b>\$</b><br/> <input type="checkbox"/> A check in the amount of the fee is enclosed.<br/> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.<br/> <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.<br/> <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 19-0733. I have enclosed a duplicate copy of this sheet.<br/> <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.         </p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the<br/> <input type="checkbox"/> applicant/inventor.<br/> <input type="checkbox"/> assignee of record of the entire interest.<br/> <small>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br/>(Form PTO/SB/98)</small><br/> <input checked="" type="checkbox"/> attorney or agent of record.<br/> <small>Registration number 43,805.</small><br/> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br/> <small>Registration number if acting under 37 CFR 1.34.</small> </p> <p style="text-align: right;"><u>William J. Miller, S1,393</u><br/>Signature</p> <p style="text-align: right;"><b>Charles L. Miller</b><br/>Typed or printed name</p> <p style="text-align: right;"><b>312-463-5000</b><br/>Telephone number</p> <p style="text-align: right;"><b>October 13, 2005</b><br/>Date</p> <p><b>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</b></p> |  |   |

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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10/14/2005 HDEMESS1 00000082 190733 10700178

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PAGE 4/4 \*RCVD AT 10/13/2005 6:13:14 PM [Eastern Daylight Time]\* SVR:USPTO-EFXRF-6/27 \*DNIS:2738300 \*CSID:13124635001 \*DURATION (mm:ss):02-22

10/13/2005 17:13 FAX 13124635001 RECEIVED BANNER & WITCOFF  
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003/004

PTO/SB/17 (12-04v2)

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OCT 13 2005

Effective on 12/06/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)  
**500**

| Complete if Known    |                  |
|----------------------|------------------|
| Application Number   | 10700,178        |
| Filing Date          | November 3, 2005 |
| First Named Inventor | Manu             |
| Examiner Name        | Tsai             |
| Art Unit             | 2857             |
| Attorney Docket No.  | 003797.00022     |

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify) : \_\_\_\_\_

Deposit Account Deposit Account Number: **19-0733** Deposit Account Name: **Banner & Witcoff, LTD.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Change fee(s) indicated below  Change fee(s) indicated below, except for the filing fee

Change any additional fee(s) or underpayments of fee(s)  Credit any overpayments

Under 37 CFR 1.16 and 1.17  
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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |          | SEARCH FEES |          | EXAMINATION FEES |          | Small Entity |
|------------------|-------------|----------|-------------|----------|------------------|----------|--------------|
|                  | Fee (\$)    | Fee (\$) | Fee (\$)    | Fee (\$) | Fee (\$)         | Fee (\$) |              |
| Utility          | 300         | 150      | 500         | 250      | 200              | 100      | —            |
| Design           | 200         | 100      | 100         | 50       | 130              | 65       | —            |
| Plant            | 200         | 100      | 300         | 150      | 160              | 80       | —            |
| Reissue          | 300         | 150      | 500         | 250      | 600              | 300      | —            |
| Provisional      | 200         | 100      | 0           | 0        | 0                | 0        | —            |

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Total Claims   | Extra Claims | Fee (\$) | Fee Paid (\$) | RECEIVED    | Small Entity |
|--|--------------|----------|---------------|-------------|--------------|
|  |              |          |               | OIPE/IAP    | Fee (\$)     |
| - 20 or HP=  | x            | =        | =             | OCT 14 2005 | 50           |
| HP = highest number of total claims paid for, if greater than 20.      |              |          |               |             | 200          |
| - 3 or HP=   | x            | =        | =             |             | 360          |
| HP = highest number of independent claims paid for, if greater than 3. |              |          |               |             | 100          |

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 =      | / 50 =       | (round up to a whole number) x                   | =        | =             |

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Notice of Appeal

\$500

### SUBMITTED BY

|                   |                               |                                      |                  |           |              |
|-------------------|-------------------------------|--------------------------------------|------------------|-----------|--------------|
| Signature         | <i>W.M. J. Collier S1,393</i> | Registration No.<br>(Attorney/Agent) | 43,805           | Telephone | 312-463-5000 |
| Name (Print/Type) | Charles L. Miller             | Date                                 | October 13, 2005 |           |              |

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INTELLECTUAL PROPERTY LAW

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CHICAGO, IL 60606-7407TEL: 312.463.5000  
FAX: 312.463.5001  
[www.bannerwitcoff.com](http://www.bannerwitcoff.com)**FACSIMILE TRANSMITTAL SHEET**

|             |                             |                     |                        |
|-------------|-----------------------------|---------------------|------------------------|
| To:         | <b>Ms: NOTICE OF APPEAL</b> | FROM:               | Charles Miller         |
| COMPANY:    | USPTO                       | DATE:               | October 13, 2005       |
| FAX NUMBER: | 571-273-8300                | TOTAL NO. OF PAGES: | 4 including cover page |
| RE:         |                             | OUR REFERENCE NO.   | 003797.00622           |

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PTC-SB/21 (09-04)  
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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

|  |   |                        |              |
|--|---|------------------------|--------------|
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | 003797.00622 |
|--|---|------------------------|--------------|

## ENCLOSURES (check all that apply)

|   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                  | <input type="checkbox"/> Replacement Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC   |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                                |
| <input type="checkbox"/> Amendment / Reply                                | <input type="checkbox"/> Petition   | <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief [in triplicate], Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):                                    |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Request for Refund   | Fax Cover Sheet  |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> CD, Number of CD(s)  |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> Landscape Table on CD  |  |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application   |   |  |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

## Remarks

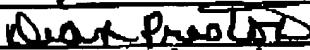
The Commissioner is authorized to charge any fees in connection with this correspondence to Deposit Account No. 19-0733.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |  |          |        |
|--------------|--|----------|--------|
| Firm         | Banner & Witcoff, Ltd.   |          |        |
| Signature    |  |          |        |
| Printed Name | Charles L. Miller  |          |        |
| Date         | October 13, 2005   | Reg. No. | 43,805 |

## CERTIFICATE OF TRANSMISSION/MAILING

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|                       |   |
|-----------------------|---|
| Signature             |  |
| Typed or printed name | Diane Preston   |
| Date                  | 10-13-05  |

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